

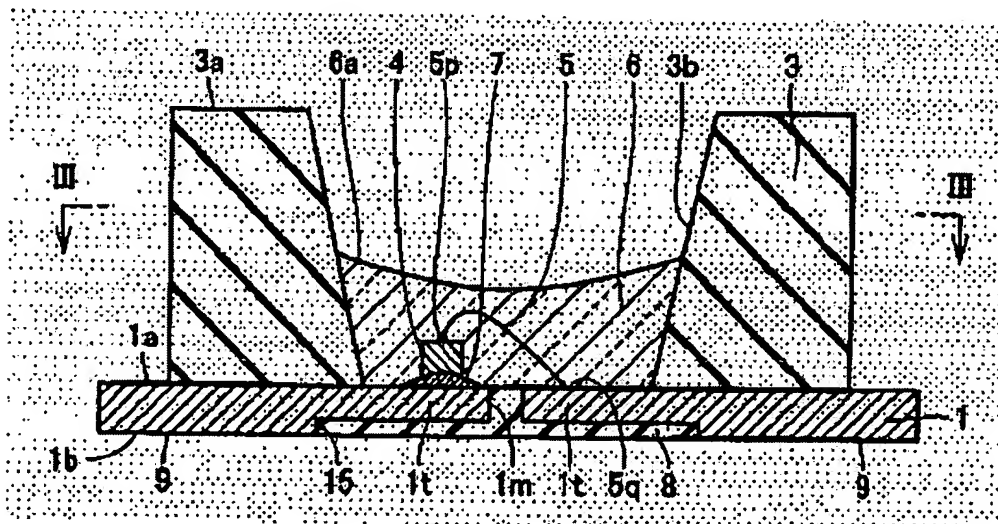
REMARKS

Claims 1-4, 7-16 and 18-22 are pending in the present application. Claims 20-22 are withdrawn from consideration. By virtue of this response, no claims have been cancelled, amended, or added. Accordingly, claims 1-4, 7-16, and 18-19 are currently under consideration. Amendment and cancellation of certain claims are not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Claims Objections

Claim 1 is objected for alleged informalities.

In response, Applicant would like to explain the claim element “said inner wall provides a reflecting surface for reflecting light emitted from said first top surface at the position where the distance from said main surface is greater than the distance from said main surface to said first top surface” with Figure 1 of the pending application shown below.



As shown in Figure 1, “said inner wall” refers to numeral 3b, “said first top surface” refers to numeral 6a, and “said main surface” refers to numeral 1a. This claim limitation describes that the distance from said inner wall (3b) to said main surface (1a) is greater than the distance from said first top surface (6a) to said main surface (1a). With the explanation presented above,

Application respectfully submits that there is no need to made the amendment proposed in the Office Action.

Claims Rejections - 35 USC § 102

Claims 1, 2, 8, 12, and 13 are rejected under 35 USC § 102(e) as allegedly being anticipated by Ishinaga (US Patent Application Publication 2002/0134988, hereinafter the Ishinaga reference), which is newly cited in the pending final Office Action. Applicant traverses these rejections.

Regarding claims 1, Applicant respectfully submits that the Ishinaga reference fails to disclose each and every element of the previously presented independent claim 1. Specifically, the Ishinaga reference fails to disclose at least the element “said second resin member includes a second top surface that is provided at a position where a distance from said main surface is greater than a distance from said main surface to said first top surface” of the previously presented claim 1.

As shown in Figure 2 of the Ishinaga reference, the second top surface of the second resin member (20a) and the first top surface of the first resin member (24) are set at the same level relative to the main surface (16a, 16b). As a result, the distance from the first and second top surfaces to the main surface are the same in the Ishinaga reference. Thus, the structure of the semiconductor light emitting devices disclosed by the pending application is distinguished from the device taught by the Ishinaga reference. In addition, because the first top surface of the first resin member (24) and the second top surface of the second resin member (20a) of the device taught by the Ishinaga reference are set at the same level, the inner wall cannot function as a reflecting surface for reflecting light emitted from the first top surface, as recited in claim 1 of the pending application.

For at least the reasons presented above, Applicant asserts that claim 1 is allowable over the Ishinaga reference. Applicant also asserts that claims 2, 8, 12, and 13, which variously depend from the independent claim 1, are allowable for at least the reason that they depend from an allowable independent claim.

Claims Rejections - 35 USC § 103

Claims 3 and 4 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Ishinaga as applied to claim 1, and further in view of Murano (US Patent 6,707,247), previously cited. Claim 11 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Ishinaga. Claim 7 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Ishinaga as applied to claim 1 above, and further in view of Ishinaga (6,180,962), previously cited. Claim 9 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Ishinaga as applied to claim 8, and further in view of Waitl et al., (US Patent 6,624,491), previously cited. Claims 10 and 14-16 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Ishinaga as applied to claim 1, and further in view of Wang et al., (US Patent Application Publication 2003/0178691), previously cited. Claims 18 and 19 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Ishinaga as applied to claim 1 further in view of Nakagawa et al., (US Patent 6,393,222,) previously cited. Applicant traverses these rejections.

In response, Applicant respectfully submit that the combination of the Ishinaga reference and Ishinaga (6,180,962) does not teach or suggest at least the claim element “said second resin member includes a second top surface that is provided at a position where a distance from said main surface is greater than a distance from said main surface to said first top surface” of the previously presented claim 7. Similarly, the combination of the Ishinaga reference and Wang et al., (US Patent Application Publication 2003/0178691) does not teach or suggest at least the claim element “said second resin member includes a second top surface that is provided at a position where a distance from said main surface is greater than a distance from said main surface to said first top surface” of the previously presented claim 14. As explained above, the first top surface of the first resin member (24) and the second top surface of the second resin member (20a) of the device taught by the Ishinaga reference are set at the same level. Thus, the combination of the Ishinaga reference with Ishinaga (6,180,962) or with Wang fails to teach or suggest the structure of the semiconductor light emitting device of the pending independent claims 7 and 14.

Therefore, for at least the reasons presented above, Applicant asserts that claim 7 is allowable over the combination of the Ishinaga reference and the Ishinaga (6,180,962) reference, and claim 14 is allowable over the combination of the Ishinaga and Wang references. Applicants also assert that claims 3, 4, 9-11, 15-16, and 18-19, which variously depend from independent claims 1 and 14, are allowable for at least the reason that they depend from an allowable independent claim.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 245402008400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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